

## Message Text

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ACTION IO-11

INFO OCT-01 EUR-12 ISO-00 INT-05 AID-05 EB-07 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01

PRS-01 SP-02 SS-15 USIA-06 AF-06 ARA-06 EA-07 NEA-10

/116 W

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R 102141Z FEB 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 5786

INFO AMEMBASSY LONDON

AMEMBASSY PARIS

CINCPACREP GUAM UNN

C O N F I D E N T I A L USUN 0504

DEPARTMENT PASS INTERIOR FOR DOTA/OMSN

CINCPACREP GUAM FOR HICOM AND STATUS LNO

E.O. 11652: GDS

TAGS: UN, TC, TTPI

SUBJ: TRUST TERRITORY OF THE PACIFIC: UNGA AND TC AGENDAS

REF: (A) USUN 190; (B) USUN 477

1. MISOFF SPOKE TO UN GENERAL LEGAL DIVISION DIRECTOR SLOAN 9 FEBRUARY FOLLOWING AN INDICATION THAT UNDER SYG BUFFUM IS GIVING FURTHER THOUGHT TO OUR REQUEST THAT HE EXCLUDE ANY ITEM ON THE REPORT OF THE TRUSTEESHIP COUNCIL FROM THE SECRETARIAT'S FORTHCOMING PRELIMINARY LIST OF ITEMS FOR THE 31ST GA. SLOAN SAID HE DID NOT KNOW WHETHER BUFFUM HAD ASKED UN LEGAL COUNSEL SUY'S ADVICE. SLOAN THEN PROCEEDED INTO A LENGTHY STATEMENT OF POSITION TO THE EFFECT THAT OBJECTIVITY REQUIRED THE SECRETARIAT TO INCLUDE A "REPORT OF THE TC" ITEM ON THE MID-FEBRUARY PRELIMINARY LIST BECAUSE OF GA RULE 13, WHICH CALLS FOR CONFIDENTIAL

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INCLUSION OF REPORTS OF THE SC, TC, ECOSOC AND THE ICJ

ON THE PROVISIONAL AGENDA OF A REGULAR GA SESSION. MISOFF EXPLAINED OUR CONCERN THAT INCLUDING A TC REPORT ITEM ON THE PRELIMINARY LIST WOULD SUBJECT THE TC TO EXACERBATED CRITICISM IF, AT ITS 1976 SESSION, THE TC DECIDED NOT TO SUBMIT ANY REPORT TO THE GA BUT ONLY TO THE SC IN VIEW OF THE TC'S SOLE BUSINESS BEING THE STRATEGIC MICRONESIAN TRUST. MISOFF OBSERVED THAT THE TC'S BUSINESS IN 1976 WILL BE COMPLETELY DIFFERENT FROM WHEN IT HAD COMPRISED BOTH NON-STRATEGIC AND STRATEGIC TRUST TERRITORIES AND WHEN, CONSEQUENTLY, AN ANNUAL REPORT TO THE GA HAD OBVIOUSLY BEEN IN ORDER. HE OBSERVED THAT GA RULE 13 COULD HARDLY OVERCOME ARTICLE 83(1) OF THE CHARTER VESTING EXCLUSIVE RESPONSIBILITY IN THE SC FOR STRATEGIC TRUST TERRITORY SUPERVISION.

2. SLOAN WAS NOT FORTHCOMING; HE INSISTED THAT SINCE GA RULE 13 ENVISAGES INCLUDING A TC REPORT ON THE GA'S AGENDA, THE SECRETARIAT'S FAILURE TO INCLUDE IT ON THE PRELIMINARY LIST (HE SPOKE OF "TAKING IT OFF" THE PRELIMINARY LIST) WOULD SEEM A PARTISAN PREJUDGING OF 1976 TC DECISIONS IN FAVOR OF WHAT HE ASSUMED TO BE THE US POSITION THAT, WITH THE TC'S BUSINESS LIMITED TO THE SINGLE QUESTION OF THE STRATEGIC TTPI, THE TC WOULD NO LONGER REPORT TO THE GA BUT ONLY TO THE SC. MISOFF, TO THE CONTRARY, CONTENDED THAT INCLUDING A TC REPORT ITEM WOULD PREJUDGE THE SITUATION IN THE OPPOSITE DIRECTION IN A MANNER INCOMPATIBLE WITH ARTICLE 83(1)'S EXCLUSIVE BESTOWAL ON THE SC OF SUPERVISORY AUTHORITY OVER STRATEGIC TRUSTS. SLOAN ACCEPTED THAT ALL UN FUNCTIONS WITH RESPECT TO THE TTPI ARE VESTED IN THE SC AND THE TC BY VIRTUE OF ARTICLE 83(1), HOWEVER, HE SAID, THE TC MIGHT CONCEIVABLY WISH TO REPORT TO THE GA ON SUCH OTHER MATTERS AS THE FACT THAT TC FUNCTIONS WITH RESPECT TO NON-STRATEGIC TRUSTS HAD COME TO AN END WITH THE ACCESSION OF PAPUA/NEW GUINEA TO INDEPENDENCE, THAT MICRONESIAN CITIZENS WERE, AS THE US HAD URGED, TO BE CONSIDERED APPROPRIATE RECIPIENTS OF SCHOLARSHIPS GENERALLY DESIGNED FOR TRUST TERRITORY INHABITANTS, ETC. MISOFF REPLIED THAT THE DIFFICULTY ARISES FROM THE FACT THAT INCLUDING A GENERALIZED DESCRIPTION OF "REPORT OF THE TC" WOULD NOT CONVEY THE NOTION OF SO LIMITED A REPORT BUT, INSTEAD, WOULD

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BE TAKEN BY MOST PRELIMINARY LIST READERS AS A CAREFULLY REASONED SECRETARIAT CONCLUSION THAT, ARTICLE 83(1) NOTWITHSTANDING, THE TC SHOULD SUBMIT A FULL REPORT TO THE GA ON ITS WORK IN 1976 AS IT HAD ALWAYS DONE IN THE PAST.

3. THE ONLY SIGN OF "GIVE" IN SLOAN'S PRESENTATION WAS HIS OBSERVATION THAT, ALTHOUGH THE 30TH GA AGENDA HAD INCLUDED AN ITEM ON "REPORT OF THE ICJ", THE COURT HAD MADE NO SUCH REPORT;

CONSEQUENTLY, BEFORE INCLUDING THIS ITEM ON THE PRELIMINARY LIST FOR THE 31ST GA, THE SECRETARIAT WAS ASKING THE PRESIDENT OF THE COURT OF THE COURT'S INTENTION. MISOFF SAID HE WOULD HAVE TO ASK WASHINGTON'S VIEW AS TO THE PROPRIETY OF A PARALLEL APPROACH TO BRITISH TC PRESIDENT MURRAY OR US PRESIDENT-ELECT WHITE IN THE CURRENT CONTEXT.

4. IN RESPONSE TO MISOFF'S QUESTION, SLOAN SUGGESTED USUN MAKE AN APPROACH TO SUY, WHICH WE ARE DOING.  
MOYNIHAN

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** POLICIES, MEETING AGENDA, TRUSTEESHIPS (UN), ANNUAL REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 10 FEB 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** coburnhl  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976USUNN00504  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Film Number:** D760051-0319  
**From:** USUN NEW YORK  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1976/newtext/t19760262/aaaaccin.tel  
**Line Count:** 125  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION IO  
**Original Classification:** CONFIDENTIAL  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:** n/a  
**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** coburnhl  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 22 APR 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <22 APR 2004 by greeneet>; APPROVED <10 AUG 2004 by coburnhl>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** TRUST TERRITORY OF THE PACIFIC: UNGA AND TC AGENDAS  
**TAGS:** PORG, PGOV, TQ, US, UNGA, UNTC  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006